

Order

Michigan Supreme Court
Lansing, Michigan

September 26, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-31

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Amendment
of Rule 9.227 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 9.227 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing by the Court before a final decision is made. The schedule and agendas for public hearings are posted on the Court's website, www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposals in its current form.

[Additions are indicated by underline and deletions are indicated by strikeout.]

Rule 9.227 Immunity

A person is absolutely immune from civil suit for statements and communications transmitted solely to the commission, ~~or its employees,~~ or its agents, or given in an investigation or proceeding on allegations regarding a judge, and no civil action predicated upon the statements or communications may be instituted against a complainant, a witness, or their counsel. Members of the commission, ~~and their employees~~ and agents, masters, and examiners are absolutely immune from civil suit for all conduct in the course of their official duties.

Staff Comment: This proposal would extend immunity from civil suit for statements or communications made to agents of the Judicial Tenure Commission, and would add agents to the individuals who are immune from civil suit for conduct in the course of their official duties with the commission.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by January 1, 2007, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2006-31. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 26, 2006

Corbin R. Davis

Clerk